IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 20949 of 1999

Between:

Mohd. Rafeeq Anwar, S/o Khasim
R/o. 8-15, Sajad Road, Khammam,
Khammam District.

..... PETITIONER

AND

1 The Assistant Electrical Engineer (Operation), A.P.Transmission

and Distribution Corporation, Khammam Division, Khammam

District.

2 The AAO/ ERO, A.P. Transmission and Distribution Corporation,
Khammam Town, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction, especially one in the nature of Writ of Mandamus declaring the action of the respondents in converting the service connection No.13236, H.No.18-15 Sajad Road, Khammam, from category 1 to 2 without issuing notice and giving opportunity and further issuing the demand Electrical Bill dt.1.8.99 for Rs.30,235/- as illegal, arbitrary, violative of principles of natural justice and violative of Articles 14,19 and 21 of the Constitution of India and consequently direct the respondent to restore back service connection of category 2 to 1 by set aside the above stated Electrical Demand Bill.

Counsel for the Petitioner:MR.K.RATHANGA PANI REDDY

Counsel for the Respondents: MR.K.N.JWALA

The Court made the following :

O R D E R:

The petitioner is the owner of the house bearing No.8-15, situated at Sajad Road, Khammam. The said house was having domestic service connection bearing No.13236. When steps were taken to disconnect the power supply by changing the service connection from Category-I to Category-II, this writ petition has been filed.

On 07-10-1999, this Court has issued interim directions to restore the power supply, which was disconnected by that time. Though the writ petition is of 1999, no counter-affidavit is filed on behalf of the respondents.

From the affidavit filed in support of the writ petition, it is evident that initially, the service connection was given as Category-I. If the authorities, for any reason, want to change the service connection from one category to another category, a prior notice should be given to the person concerned before such change of category. As it is alleged in the affidavit that no notice was issued to the petitioner before changing the category of service connection, I dispose of the writ petition directing the respondents to continue to charge the rates as per the category of service connection, which was given to the petitioner initially. If there are any valid reasons to change the category, it is open for the respondents to issue prior notice and pass appropriate orders.

Subject to the above direction, the writ petition is disposed of. No order as to costs.

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21-06-2005

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To

1 The Assistant Electrical Engineer (Operation), A.P.Transmission

and Distribution Corporation, Khammam Division, Khammam

District.

2 The AAO/ ERO, A.P. Transmission and Distribution Corporation,
Khammam Town, Khammam District.

3 Two C.D copies.